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D.B. CIVIL SPECIAL APPEAL NO.70/2007.
[SMT.RADHA DEVI VS. STATE OF RAJ. & ORS.]
DATED : 23.01.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.P.M.Vyas for appellant.

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Having heard learned counsel for the appellant we do not find any merit in this appeal.

The services of the husband of the petitioner were terminated in 1996. The order of termination was challenged in 1997. During the pendency of said writ petition the incumbent died and the petition was continued by the wife of incumbent which ultimately succeeded in 2002. Appeal against the judgment of learned Single Judge failed in Year 2003 and thereafter in 2004 the retiral benefits were also paid to the petitioner appellant.

After receiving those benefits the present petition has been filed claiming the interest for the period between the date of the decision by the Division Bench dismissing the appeal and the date on which retiral benefits were actually granted.

The claim of the interest has been disallowed by the learned Single Judge considering the circumstances that the time taken

between the date when right to receive pension became final and the finalisation of pension cannot be said to be so unreasonably long so as to warrant claim of interest on an equitable ground.

In the facts and circumstances we are in agreement with learned Single Judge that petition to claim interest on equitable grounds in the present circumstances cannot succeed.

The appeal, therefore, fails and is dismissed in limine.

[CHATRA RAM JAT]J. **[RAJESH BALIA], J.**

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